



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097138,253	08/21/98	MITCHELL	19570.44353

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EXAMINER
LEJA, R

ART UNIT	PAPER NUMBER
2836	3

DATE MAILED: 02/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/138,253

Applicant(s)
Dennis Mitchell

Examiner
Ronald W. Leja

Group Art Unit
2836



☒ Responsive to communication(s) filed on Aug 21, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

HVAC needs to be spelled out a first time in Claim 1 and in all other independent claims, in the preamble of those claims, (HVAC) should be inserted. PTC in all independent claims needs to be spelled out prior to the first occurrence of PTC within the claim.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (5,645,746).

Walsh discloses that it is desirable to protect loads and circuits utilizing PTC devices. Some of the benefits include reduced wiring weight and gauge, having a resettable feature which does not need calibration as opposed to conventional circuit breakers, better protection than fuses in that fuses must be able to handle in-rush transients which then often times increases the capacity of the fuses more than required by the steady-state current requirements of the particular application and lending themselves to placement in locations which are not very accessible (see col. 2, line 19 through col. 3, line 27). Walsh proposes replacement of conventional circuit breakers and fuses with PTC devices and suggests that similar advantages can be

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obtained in similar electrical systems. Figures 7, 9 and 10 illustrate cartridge, splicing and blade implementations. It is the position of the Examiner, that sufficient suggestion is found in Walsh to incorporate the teachings to any electrical system requiring a circuit breaker and/or fuse type protection, such as, HVAC systems, thereby, offering the above advantages of PTC devices and lower costs to a consumer by not having to get a technician to come and replace fuses or to re-calibrate circuit breakers, resulting in a more desirable and marketable end-product. As far as screw-type receptacles, it is clear that Walsh suggests retrofitting existing systems and illustrates a few of the known receptacles and implementations, as such, it would have been obvious and well within the abilities of one having ordinary skill in the art at the time of the invention to apply PTC protection in the form of screw-type receptacles if the existing particular system required screw-type receptacles for the fuse protection, thereby keeping retrofit time down to a minimum.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ronald W. Leja whose telephone number is (703)308-2008.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1782. The Group FAX numbers are (703)305-3431 or (703)305-3432.

RWL
February 1, 1999

Ronald W. Leja
RONALD W. LEJA
PRIMARY EXAMINER
2/1/99